

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

ROSALYN WITHERSPOON,

Plaintiff,

v.

**CIVIL ACTION NO. 1:05CV29
(BROADWATER)**

**NORTH CENTRAL REGIONAL JAIL;
OFFICERS AT NORTH CENTRAL REGIONAL JAIL;
and D.O.C.,**

Defendants.

ORDER ADOPTING AMENDED REPORT AND RECOMMENDATION

On this day the above styled case came before the Court for consideration of the Amended Report and Recommendation of Magistrate Judge John S. Kaull, dated January 26, 2006. Neither party filed any objections to the Report. After reviewing the above, the Court is of the opinion that the Magistrate Judge's Report and Recommendation should be and is hereby **ORDERED** adopted.

The Court further **ORDERS**

- 1) that defendant Department of Corrections's Motion to Dismiss (**Document 16**) is **GRANTED**;
- 2) that defendants North Central Regional Jail and Officers at North Central Regional Jail's Motion to Dismiss or in the Alternative Motion for Summary Judgment (**Document 25-1**) is **GRANTED**; and
- 3) that the plaintiff's complaint be **DISMISSED WITH PREJUDICE** based on the reasons set forth in the Magistrate Judge's Report and Recommendation. It is further **ORDERED** that this action be and is hereby **STRICKEN** from the active docket of

this Court.

The Clerk is directed to transmit true copies of this Order to the plaintiff and all counsel of record herein.

DATED this 25th day of April 2006.


W. CRAIG BROADWATER
UNITED STATES DISTRICT JUDGE